IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Income Tax Appeal No. 34 of 2001

1. The Commissioner of Income Tax, Meerut.
2. Deputy Commissioner of
Income Tax (Assessment),
Special Range-1, Dehradun. … Appellants

Versus

ONGC as agent of M/s Eastman Christensen,
Oil & Natural Gas Corporation Ltd.,
Tel Bhawan, Dehradun. . ...Respondent

Mr. S.K. Posti, Advocate for the appellants.
Mr. J.P. Joshi, Advocate for the respondent.

Coram: Hon. Cyriac Joseph, C.J.
Hon. J.C.S. Rawat, J.

JUDGMENT

CYRIAC JOSEPH, C.J. (Oral)

1. This appeal is against the order dated 18th July 2000 passed by the Income Tax Appellate Tribunal, Delhi Bench 'A', in I.T.A. No. 4218/Del of 1994. The dispute relates to the Assessment Year 1992-93. The assessee is M/s Eastman Christensen, represented by ONGC., Tel Bhawan, Dehradun.

2. The substantial question of law raised in the appeal is as follows:

> "Whether on the facts and in the circumstances of the case the learned Income Tax Appellate Tribunal was justified in holding that the income determined on notional basis in accordance with section 44BB of Income Tax Act was not liable to be grossed up (Multiple Stage) under section 195 of the Income Tax Act ? "

3. An identical question of law was considered by a Division Bench of this Court in the judgment in Commissioner of Income Tax, Meerut and another Vs. ONGC as agent of Cooper Engineering Services

International Incorporated and connected cases, which was reported in (2003) 264 ITR 340. In the above judgment, this Court held that the Tribunal was right in holding that Multiple Stage Grossing Up of income was not applicable to notional income under section 44BB read with section 195A of the Income Tax Act, 1961.

4. Following the above mentioned judgment of a Division Bench of this Court, we dismiss this appeal.

J.C.S. Rawat, J.)
06.09.2005

(Cyriac Joseph, C.J.)
06.09.2005

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